

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

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**THIS DOCUMENT RELATES TO:**

**Plaintiffs' Master Administrative Long-  
Form Complaint and (if applicable)**  
Dalton Simmons, et al.  
**v. National Football League [et al.],**  
No. 2:13-cv-06354-AB

**SHORT FORM COMPLAINT**

**IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION**

**JURY TRIAL DEMANDED**

**SHORT FORM COMPLAINT**

1. Plaintiff(s), Bryan Thompson as Public Administrator, (and, if applicable, of the Estate of Pete Louis Pihos Plaintiff's Spouse) \_\_\_\_\_, bring(s) this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL No. 2323.

2. Plaintiff (and, if applicable, Plaintiff's Spouse) is/are filing this short form complaint as required by this Court's Case Management Order No. 2, filed April 26, 2012.

3. Plaintiff (and, if applicable Plaintiff's Spouse), incorporate(s) by reference the allegations (as designated below) of the Master Administrative Long-Form Complaint, as may be amended, as if fully set forth at length in this Short Form Complaint.

4. [Fill in if applicable] Plaintiff is filing this case in a representative capacity as the Public Administrator of the Estate of Pete Louis Pihos, having been duly appointed as the Public Administrator by the Superior Court of Forsyth County, NC. (Cross out sentence below if not applicable.) Copies of the Letters of Administration/Letters Testamentary for a wrongful death claim are annexed hereto if such Letters are required for the commencement of such a claim by the Probate, Surrogate or other appropriate court of the jurisdiction of the decedent.

5. Plaintiff, Bryan Thompson, is a resident and citizen of North Carolina and claims damages as set forth below.

6. [Fill in if applicable] Plaintiff's spouse, \_\_\_\_\_, is a resident and citizen of \_\_\_\_\_, and claims damages as a result of loss of consortium proximately caused by the harm suffered by her Plaintiff husband/decedent.

7. On information and belief, the Plaintiff (or decedent) sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. On information and belief, Plaintiff suffers (or decedent suffered) from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the Plaintiff (or decedent) sustained during NFL games and/or practices. On information and belief, the Plaintiff's (or decedent's) symptoms arise from injuries that are latent and have developed and continue to develop over time.

8. [Fill in if applicable] The original complaint by Plaintiff(s) in this matter was filed in USDC, Eastern District of Louisiana. If the case is remanded, it should be remanded to USDC, Eastern District of Louisiana.

9. Plaintiff claims damages as a result of [check all that apply]:

- ☐ Injury to Herself/Himself
- ☒ Injury to the Person Represented
- ☒ Wrongful Death
- ☒ Survivorship Action
- ☒ Economic Loss
- ☐ Loss of Services
- ☐ Loss of Consortium

10. [Fill in if applicable] As a result of the injuries to her husband,

\_\_\_\_\_, Plaintiff's Spouse, \_\_\_\_\_, suffers from a  
loss of consortium, including the following injuries:

- ☐ loss of marital services;
- ☐ loss of companionship, affection or society;
- ☐ loss of support; and
- ☐ monetary losses in the form of unreimbursed costs she has had to expend for the health care and personal care of her husband.

11. [Check if applicable] ☐ Plaintiff (and Plaintiff's Spouse, if applicable)  
reserve(s) the right to object to federal jurisdiction.

**DEFENDANTS**

12. Plaintiff (and Plaintiff's Spouse, if applicable) bring(s) this case against the following Defendants in this action [check all that apply]:

- ☒ National Football League
- ☒ NFL Properties, LLC
- ☒ Riddell, Inc.
- ☒ All American Sports, Inc. (d/b/a Riddell Sports Group, Inc.)
- ☒ Riddell Sports Group, Inc.
- ☒ Easton-Bell Sports, Inc.
- ☒ Easton-Bell Sports, LLC
- ☒ EB Sports Corporation
- ☒ RBG Holdings Corporation

13. [Check where applicable] As to each of the Riddell Defendants referenced above, the claims asserted are: ☒ design defect; ☒ informational defect; ☐ manufacturing defect.

14. [Check if applicable] ☒ The Plaintiff (or decedent) wore one or more helmets designed and/or manufactured by the Riddell Defendants during one or more years Plaintiff (or decedent) played in the NFL and/or AFL.

15. Plaintiff played in [check if applicable] ☒ the National Football League ("NFL") and/or in [check if applicable] ☐ the American Football League ("AFL") during

1947 - 1955 \_\_\_\_\_ for the following teams: \_\_\_\_\_

Philadelphia Eagles \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**CAUSES OF ACTION**

16. Plaintiff herein adopts by reference the following Counts of the Master Administrative Long-Form Complaint, along with the factual allegations incorporated by reference in those Counts [check all that apply]:

- ☒ Count I (Action for Declaratory Relief – Liability (Against the NFL))
- ☐ Count II (Medical Monitoring (Against the NFL))
- ☒ Count III (Wrongful Death and Survival Actions (Against the NFL))
- ☒ Count IV (Fraudulent Concealment (Against the NFL))
- ☒ Count V (Fraud (Against the NFL))
- ☒ Count VI (Negligent Misrepresentation (Against the NFL))
- ☒ Count VII (Negligence Pre-1968 (Against the NFL))
- ☒ Count VIII (Negligence Post-1968 (Against the NFL))
- ☐ Count IX (Negligence 1987-1993 (Against the NFL))
- ☒ Count X (Negligence Post-1994 (Against the NFL))

- ☐ Count XI (Loss of Consortium (Against the NFL and Riddell Defendants))
- ☒ Count XII (Negligent Hiring (Against the NFL))
- ☒ Count XIII (Negligent Retention (Against the NFL))
- ☒ Count XIV (Strict Liability for Design Defect (Against the Riddell Defendants))
- ☐ Count XV (Strict Liability for Manufacturing Defect (Against the Riddell Defendants))
- ☒ Count XVI (Failure to Warn (Against the Riddell Defendants))
- ☒ Count XVII (Negligence (Against the Riddell Defendants))
- ☒ Count XVIII (Civil Conspiracy/Fraudulent Concealment (Against All the NFL Defendants))

17. Plaintiff asserts the following additional causes of action [write in or attach]:

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff (and Plaintiff's Spouse, if applicable) pray(s) for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. For punitive and exemplary damages as applicable;
- C. For all applicable statutory damages of the state whose laws will govern this action;
- D. For medical monitoring, whether denominated as damages or in the form of equitable relief;
- E. For an award of attorneys' fees and costs;
- F. An award of prejudgment interest and costs of suit; and
- G. An award of such other and further relief as the Court deems just and proper.

**JURY DEMANDED**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff(s) hereby demand(s) a trial by jury.

Dated: November 21, 2103

RESPECTFULLY SUBMITTED:

/s/ David B. Franco, Esq.

David B. Franco (TXBR #24072097)

James R. Dugan, II

The Dugan Law Firm, APLC

365 Canal Street, Suite 1000

New Orleans, LA 70130

Telephone: (504) 648-0180

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Attorney for Plaintiff(s)

**STATE OF NORTH CAROLINA**  
**FORSYTH COUNTY**

File No.

13 E 1810

In the General Court of Justice  
 Superior Court Division  
 Before the Clerk

In The Matter Of The Estate Of:

Name of Estate

Pete Louis Pihos

Pete Pihos

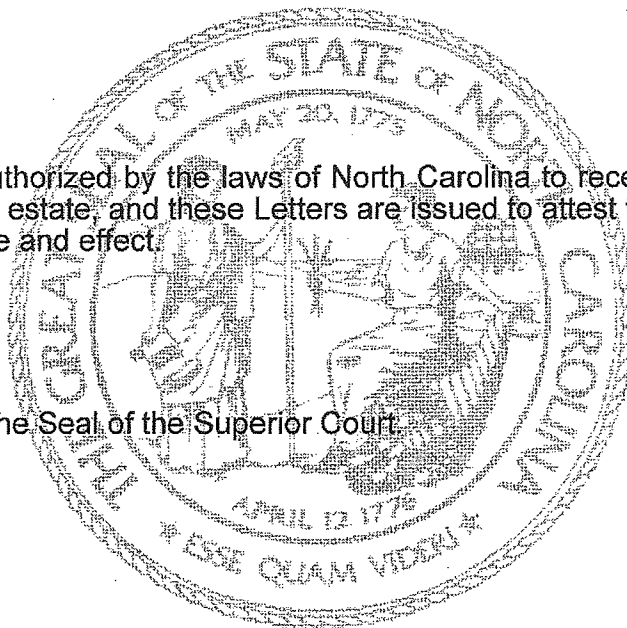
**LETTERS**  
**Administration**

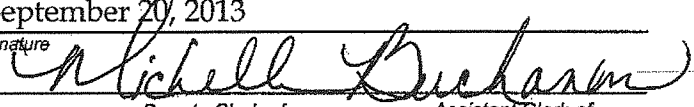
G.S. 28A-6-1

The Court in the exercise of its jurisdiction of the probate of wills and the administration of estates, and upon application of the fiduciary, has adjudged legally sufficient the qualification of the fiduciary named below and orders that Letters be issued in the above estate.

The fiduciary is fully authorized by the laws of North Carolina to receive and administer all of the assets belonging to the estate, and these Letters are issued to attest to that authority and to certify that it is now in full force and effect.

Witness my hand and the Seal of the Superior Court.



Name Of Fiduciary <b>Bryan C. Thompson</b>	Title <b>Public Administrator</b>	Date Of Qualification <b>September 20, 2013</b>
Address <b>100 N Main St. Ste 2425</b>		Date Of Death <b>August 16, 2011</b>
City, State, Zip <b>Winston-Salem, NC 27101</b>		<b>SUSAN FRYE</b> Clerk of Superior Court Ex Officio Judge Of Probate
Name Of Fiduciary	Title	
Address		Date Of Issuance <b>September 20, 2013</b>
City, State, Zip		Signature 
AOC-E-403 Rev. 6/87		<input type="checkbox"/> Deputy Clerk of Superior Court <input checked="" type="checkbox"/> Assistant Clerk of Superior Court

SEAL